

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 4/9/2020 4:59:11 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: RE: NEW LITIGATION: Sierra Club v. EPA (D.C. Cir.)

Mike,

Yes, I saw a news story on this last night.

Ex. 5 Deliberative Process (DP)

Although, I gather that the plan will be to try to get this into the Fifth Circuit.

David S. Harlow
Senior Counsel
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Thursday, April 9, 2020 12:25 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: FW: NEW LITIGATION: Sierra Club v. EPA (D.C. Cir.)

David – You’ve probably already heard....

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Wednesday, April 08, 2020 1:55 PM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>
Subject: NEW LITIGATION: Sierra Club v. EPA (D.C. Cir.)

Late yesterday, a group of environmental and public health organizations led by Sierra Club filed a petition in the D.C. Circuit for review of our February 2020 action withdrawing the SSM SIP call issued to Texas. In their filing they noted that

“this petition for review is related to” the existing D.C. Circuit litigation on the 2015 SSM SIP Action. We are still waiting to find out if they also filed a protective petition in the 5th Circuit or if any other petitions were filed.

Karen Bennett Bianco | U.S. Environmental Protection Agency
Attorney-Adviser | Office of General Counsel | WJCN 7426X | 202-564-3298